

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

IN RE: )  
JAMES LELAND WALTERS JR ) CASE NO.23-70093–AKM-13  
HEATHER L WALTERS )  
DEBTOR(S) )

**TRUSTEE’S OBJECTION TO COURT CLAIM #019**

Comes now Robert P. Musgrave, Trustee, and having reviewed the claim and other relevant pleadings and documents in this cause does now OBJECT pursuant to FRBP 3007 to the claim of Deaconess Hospital (“Creditor”), Trustee Claim #003/Court Claim #019 (“Proof”), for the following reason:

1. Creditor failed to file a proof of claim prior to the claims bar date of April 20, 2023.
2. Debtors filed a proof of claim on behalf of Creditor on May 2, 2023, which was timely under BR 3004 stating that the payments were to be made to Med 1 Solutions, a collection agent located in Greenwood, Indiana, which often works for Creditor (“Med 1”).
3. The Trustee, pursuant to the Proof, disbursed funds to Med 1. The funds were returned to the Trustee, with a notation that it did not handle the claim on which the disbursement had been made.
4. Debtors now seek to amend the Proof, changing the payee name and address.
5. There are two issues with this attempted amendment:
  - a. BR 3004 only permits the debtor to file a proof of claim on behalf of the creditor. No power is given for the debtor to amend a proof of the creditor, whether filed by the creditor or by an other party; and
  - b. The new address which the debtors use in their attempt to amend the Proof is an address which appears no where on the Trustee’s records, and which is believed to be invalid.

**WHEREFORE**, the Trustee prays the Court disallow the claim in its entirety, and for all other relief deemed appropriate in the premises.

**Notice**

You are hereby notified that you have thirty (30) days from the date below to file a response to the Trustee's Objection to Claim above. In accordance with Local Rule S.D. Ind. B 9013-1, such response should be in writing and filed with the office of the clerk at Winfield K. Denton Federal Building, 101 NW ML King Jr. Blvd, Suite 352, Evansville, IN 47708, with a copy to the Trustee at the address below. If no response is timely filed, then the Court may enter an order sustaining the objection to claim(s) without further notice.

Respectfully Submitted,

March 20, 2024

/s/Robert P. Musgrave

Robert P. Musgrave

Chapter 13 Trustee

P.O. Box 972

Evansville, IN 47706-0972

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Fax: (812) 433-3464

Email address: trusteegeneral@chap13evv.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing pleading was served upon the following parties, either personally, electronically or by first-class mail March 20, 2024:

U.S. Trustee  
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/s/Robert P. Musgrave

Robert P. Musgrave

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